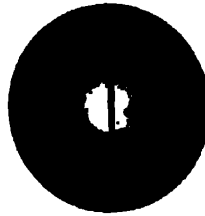


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Judicial Watch

Because no one is above the law!

SENSITIVE

April 22, 2008

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR: 5998

Re: Sen. John McCain, John McCain for President,
Presidential Fundraising Luncheon at London's Spencer House

Dear Sir or Madam:

Judicial Watch is a non-profit educational foundation that is dedicated to combating government corruption. As part of its educational mission, Judicial Watch regularly obtains and analyzes information gathered and maintained by the Federal Election Commission (FEC) and other agencies of the federal government, then disseminates its findings to the public through various educational and outreach programs, including Judicial Watch's website and monthly newsletter. The obtaining, analyzing, and disseminating of such information is a very important part of Judicial Watch's operations.

Recent news reports suggest that Sen. John McCain and John McCain for President may have accepted an in-kind contribution from foreign nationals, Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild of Great Britain, in contravention of federal election laws. On behalf of Judicial Watch and its supporters, I hereby request that the FEC investigate this matter.

Press reports confirm that prior to McCain's recent overseas trip to Britain in March of 2008, the McCain presidential campaign planned a fundraiser at the Spencer House in London for March 20, 2008.¹

¹ See attached Exhibit 1, "McCain Invites Fundraisers to London," By Matthew Mosk, *Washingtonpost.com*, March 14, 2008, (http://blog.washingtonpost.com/the-trail/2008/03/14/mccain_invites_fundraisers_to.html), which reads, in part: "McCain's campaign has sent out an invitation for a March 20 luncheon at Spencer House -- the neoclassical home built for an ancestor of Diana, the late Princess of Wales, 'by kind permission of Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild.'"

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The luncheon took place on March 20, 2008, at London's Spencer House. Prior to the event, the McCain campaign assured the press that Congress would be reimbursed for political portions of the trip, to include the cost of the flight, McCain's hotel, and "the fundraiser."² None of this addresses the evident in-kind contribution of the site of Sen. McCain's presidential fundraiser, the Spencer House, by Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild. Judicial Watch believes the donation of the venue of the Spencer House represents an in-kind contribution by foreign nationals.

It is uncertain what proceeds were raised as a result of the luncheon. A web page for the Spencer House, advertised as "London's most magnificent 18th century private palace" indicates it has the capacity to accommodate 150 guests for a seated lunch.³ If this exclusive site had not been donated to the McCain presidential campaign, the profit from this event would have been significantly reduced. Such a venue can draw large contributors, considering the invitations sent out by McCain's campaign had luncheon tickets priced from \$1,000 to \$2,300.⁴

Further, the Spencer House website indicates it offers a "complete service." It is yet to be determined what was included in the use of the Spencer House venue made available "courtesy" of Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild for the McCain presidential fundraiser in London.⁵

On information and belief, Lord Rothschild OM GBE and Hon. Nathaniel Rothschild are not citizens of the United States and are therefore prohibited from making any contribution to Sen. McCain or his presidential committee:

2 U.S.C. § 441e. Contributions and donations by foreign nationals

(a) Prohibition. It shall be unlawful for—

(1) a foreign national, directly or indirectly, to make—

(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

(B) a contribution or donation to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement

² *Id.*, See attached Exhibit 1.

³ See attached Exhibit 2, "Spencer House, London's most magnificent 18th century private palace." (http://www.universitiesoflondon.co.uk/spencer_house/), accessed April 16, 2008.

⁴ Matthew Mosk, See attached Exhibit 1.

⁵ See attached Exhibit 2, "Spencer House," which website states, in part: "Spencer House offers a complete service with its own staff of full-time chefs and butlers, each menu or canap  selection is devised to suit the individual host's requirements. All administration and catering is handled in-house including the printing of invitations and menu cards, organizing flowers, music and other entertainments as required."

for an electioneering communication (within the meaning of section 304(f)(3)) (2 U.S.C. § 434(f)(3)); or
(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

The FEC should investigate whether Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild made an illegal contribution of the venue of the Spencer House (or other associated costs) for a fundraising luncheon to Sen. McCain and his presidential committee.

The direct involvement of Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild in Sen. McCain's fundraising efforts also raises the additional question of whether other laws have been violated. Specifically, FEC Advisory Opinion Number 2004-26 details:

"2. Foreign National Participation in Decision-Making

Commission regulations implementing 2 U.S.C. 441e prohibit foreign nationals from participating in the decisions of any person involving election-related activities. See 11 CFR 110.20(i). Such participation in decisions includes directing, dictating, controlling, or directly or indirectly participating 'in the decision-making process of any person, such as a corporation, labor organization, political committee, or political organization with regard to such person's Federal or non-Federal election-related activities, such as decisions concerning the making of contributions, donations, expenditures, or disbursements in connection with elections for any Federal, State, or local office or decisions concerning the administration of a political committee.' *Id.* This broad prohibition encompasses foreign national involvement in the management of any political committee, and its decisions regarding its receipts and disbursements in connection with Federal and non-Federal elections. Explanation and Justification for Regulations on Contribution Limitations and Prohibitions, 67 Fed. Reg. 69946 (Nov. 19, 2002)."⁶

Certainly, the direct involvement of Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild's in Sen. McCain's campaign fundraising efforts through the in-kind donation of the choice venue of the Spencer House in London and other possible amenities would raise a substantial question as to whether a violation of the legal

⁶ See attached Exhibit 3, "Federal Election Commission Advisory Opinion Number 2004-26," printed April 14, 2008 (<http://no.ricnna.com/no/no/040026.html>).

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prohibition of foreign nationals participating in the decision-making of a presidential campaign has occurred.

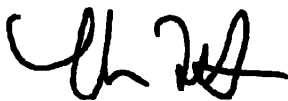
In particular, on March 19, 2008, one day prior to the fundraising luncheon at the Spencer House in London, *Harper's Magazine* reported a connection between one of the Rothschild venue contributors, McCain's current campaign advisor and former lobbyist Rick Davis, and Oleg Deripaska, "one of the richest oligarchs in Russia." (It was Davis who reportedly introduced Deripaska to McCain at an international economic conference in Switzerland.) Nathaniel Rothschild's recent fortunes have, according to this article, been accrued in his role as the adviser to Deripaska. Less than a year after their meeting at the conference, Deripaska's visa was revoked by the State Department due to concerns that "he may have amassed his wealth illegally." In a recent interview, Deripaska said "Maybe I'll get the visa when the next (U.S.) administration comes in."⁷

In conclusion, Judicial Watch requests an investigation into whether Sen. McCain, John McCain for President, Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild have violated federal laws and regulations that prohibit the involvement of foreign nationals in U.S. presidential elections. The information uncovered by this investigation will be used by Judicial Watch to educate the American people about the laws governing our nation's campaign finance system.

Thank you for your prompt attention to this matter.

Sincerely,

JUDICIAL WATCH, INC.



Thomas Fitton
President

⁷ See attached Exhibit 4, *Harper's Magazine*, "The Company They Keep," by Ken Silverstein, March 19, 2008 (<http://harper.org/archive/2008/03/hbc-90002695>).

I hereby swear, to the best of my knowledge and belief, that the foregoing is true and correct.



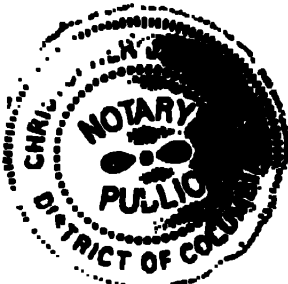
Thomas Fitton

City of Washington)

District of Columbia)

ss:

Signed and sworn to before me on this 22nd day of April, 2008, by Thomas Fitton, President of Judicial Watch.





Christopher J. Farrell
Notary Public for the District of Columbia
My Commission expires: 11/14/09

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McCain Invites Fundraisers to London

**Obama's Rival
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Barack Obama says he has "no reservation" of meeting with a controversial British billionaire known for criticizing the U.S. It is a case of "he said, she said." (6:55 AM ET) | More >

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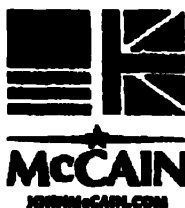
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"Bitter" got a breather when Sen. Hillary Rodham Clinton addressed a newspaper conference this afternoon. —Chicago Mercury | More >

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McCain Calls Obama's Comments 'Bitter'
Sen. John McCain said Sen. Barack Obama's comments about "bitter" Americans suffering economic distress were "bitter" and he called them a "contradiction from what I believe America is all about." —Michael D. Shear | More >

Obama Concedes He Missed
As his political opponents keep on coming, Sen. Barack Obama

McCain Invites Fundraisers to London



We are pleased to announce that by kind permission of Lord Rothchild OM CBE and the Hon Michael Rothchild the lunch in honour of

★ SENATOR JOHN MCCAIN ★

on Thursday 20 March 2008
will be held at
Spencer House, St James's Place.

Due to the high demand and limited places for this special lunch, please respond by Friday 14th March 2008 in order to avoid disappointment. If you have not yet replied and wish to come please click on the link below

<http://www.mccain.com/Events/France/18433761/169949/169949>
This permanent link is provided for you and should be used for any other registration.
If a new window is not opened when you click on the link, please open a new browser and enter the above address in it.

In light of the immediacy of this event please indicate on your reply form or by email any special dietary requirements.

We very much hope that you can join us for this special lunch.



Caroline Chubb
info@johnmccain.com johnmccain.com
www.johnmccain.com

Updated 2:51 p.m.

By Matthew Mosk

Sen. John McCain and his staff have been adamant for days that his upcoming campaign trip to Britain, France and Israel is not political.

Some political staffers have gone so far as to refuse to talk about the trip with reporters, arguing it would be inappropriate to mix politics with his Senate business.

Here's what McCain said on Wednesday when asked by a Post reporter how Europeans would respond to his vision for the presidency: "I won't be offering them my vision because I'm going as a member of the Armed Services Committee, not as the nominee of our party."

Apparently, though, there will still be room for fundraising.

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acknowledged that he chose his words poorly when describing anti-gay Pennsylvanians at a fundraiser on Sunday. But he didn't back off the message he had sought to convey. —Shelagh Murray | More »

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McCain's campaign has sent out an invitation for a March 20 luncheon at Stranor House — the neo-classical home built for an ancestor of Diana, the late Princess of Wales — "by kind permission of Lord Rothschild OM GBE and the Hon. Nathaniel Rothschild."

The price to attend is \$1000 to \$2,300. And the dress code for the event? "Lounge suits" — British for business attire.

Jill Hazelbaker, McCain's campaign spokeswoman, said today that Congress will be reimbursed for the political portions of the trip.

The campaign is paying for McCain's flight home, since he is flying separately from the rest of the Congressional delegation.

"We are also paying for the fundraiser and his hotel that evening in London," Hazelbaker said. "We will reimburse the Treasury for the cost of a flight to London."

Posted at 2:05 PM ET on Mar 14, 2008

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Comments

Please email us to report offensive comments.

I'm sure that Fox News and the RNC will blast him if any non-US citizens pay to attend this function!

Posted by: [mccain](#) | March 14, 2008 3:00 PM

McCain said: "I won't be offering them my vision because I'm going as a member of the Armed Services Committee, not as the nominee of our party."

He is not going to give his vision, because the people would not have any of that. (I bet in Israel he has more to say than in the first mentioned countries though.)

This is in fact one reason why Barack is leading in the polls and on the Internet vs McCain.

Obama vs. McCain- The Google Effect:

<http://www.foxnews.com/story/0,2933,384144,000000,00.html>

Posted by: [davidm](#) | March 14, 2008 3:00 PM

GO JOHN HEDNEY MCCAIN — all the way to the White House!!

Posted by: [JohnD](#) | March 14, 2008 4:10 PM

By Jovel

Jolly Good!

Did you happen to be so kind as to bring Mitt Romney along?

BLEHEEY! :-)

Posted by: [rob-tin](#) | March 14, 2008 4:10 PM

Senator McCain, you should get the Mittster!

He is familiar with Finnes, and can help you get around! :-)

Posted by: [rob-tin](#) | March 14, 2008 4:13 PM

When your base is so disgruntled they refuse to give you any money, its time to get up the jet and head overseas. I heard the lobbyists in England are cater anyways. Am I right people?

McCain vs. Obama on the environment...

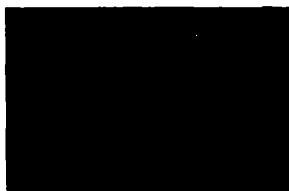
<http://www.foxnews.com/story/0,2933,384144,000000,00.html>

McCain's Environmental VP Choices...

<http://www.foxnews.com/story/0,2933,384144,000000,00.html>

Posted by: [countrygirl](#) | March 14, 2008 4:27 PM

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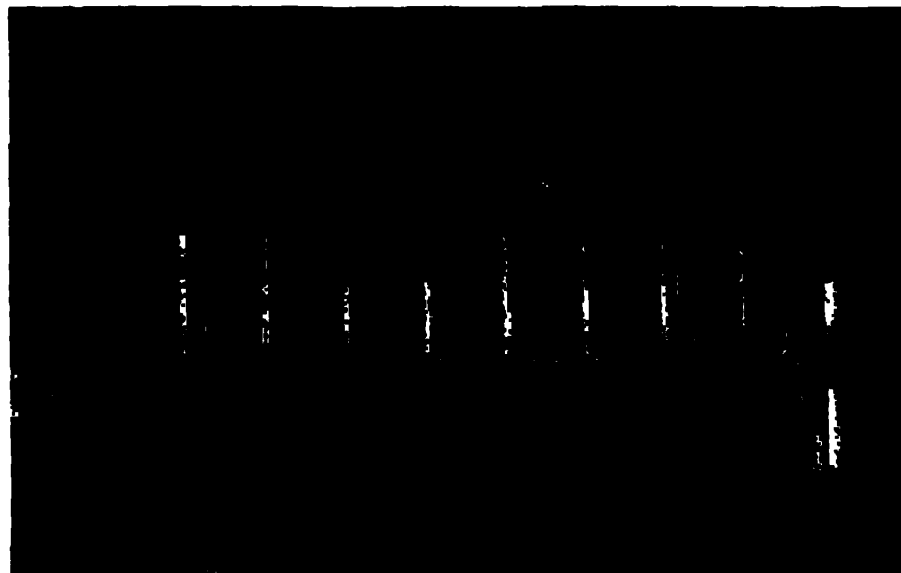
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Dinner	10 - 150
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Wedding Reception	Yes
Disabled Access	Yes

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canapé selection is devised to suit the individual host's requirements. All administration and catering is handled in-house including the printing of invitations and menu cards, organising flowers, music and other entertainments as required.

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Federal Election Commission Advisory Opinion Number 2004-26

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 20, 2004

CERTIFIED MAIL
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ADVISORY OPINION 2004-26

Jan Witold Baran, Esq.
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006

Dear Mr. Baran:

This responds to your letter, dated July 7, 2004, requesting an advisory opinion on behalf of Representative Gerald C. Weller and his fianc,e, Zury Rios Sosa, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the participation of a foreign national in the activities of two affiliated campaign committees and a nonconnected multicandidate committee on a volunteer basis.

Background

Representative Weller is a Member of the United States House of Representatives and is currently a candidate for re-election. Representative Weller maintains two affiliated campaign committees - Jerry Weller for Congress, Inc. and Gerald C 'Jerry' Weller for Congress - and is the honorary chair of Reform PAC, a nonconnected multicandidate committee (collectively, the "Committees"). On July 6, 2004, Representative Weller became engaged to be married to Ms. Rios Sosa, who is a member of the Guatemalan legislature.¹ Ms. Rios Sosa is not a citizen of the United States and does not have permanent resident status in the United States. You state that Ms. Rios Sosa plans to remain a citizen of

Guatemala and does not intend to apply for United States citizenship or for admission for permanent residence.

Question Presented

May Ms. Rios Sosa participate in the activities of the Committees, including decision-making, on a volunteer basis? Specifically, may Ms. Rios Sosa (1) attend Committee events; (2) participate in Committee events by speaking or by soliciting funds and support for the Committees; (3) participate in meetings with Representative Weller and Committee personnel regarding Committee events or political strategy; and (4) accompany Representative Weller to the fundraising and campaign events of other political committees, provided she has not made a contribution of her personal funds in order to attend?

Legal Analysis and Conclusions

Your request raises two separate legal issues. First, would Ms. Rios Sosa's proposed activities result in a prohibited foreign national contribution to the Committees, under 2 U.S.C. 441e(a)(1)(A), or, in the alternative, would they come within an exception for "volunteer activities"? Second, would Ms. Rios Sosa's proposed activities constitute participation by a foreign national in the decision-making of the Committees, which is prohibited by 11 CFR 110.20(i)?

1. Foreign National Volunteer Activity

The Act and Commission regulations prohibit foreign nationals, directly or indirectly, from making a "contribution or donation of money or other thing of value . . . in connection with a Federal, State, or local election." 2 U.S.C. 441e(a)(1)(A). See also 11 CFR 110.20(b). However, the Act and Commission regulations also provide that "[t]he term 'contribution' does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee." 2 U.S.C. 431(8)(B)(i). See also 11 CFR 100.74.

In Advisory Opinion 1987-25, the Commission addressed the issue of whether uncompensated volunteer services provided by a foreign national constituted a prohibited contribution. The Commission concluded that a foreign student's work for a campaign without compensation would not result in a contribution because the value of the uncompensated volunteer services was specifically exempt from the Act's definition of contribution.² Similarly, the

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Commission concludes that Ms. Rios Sosa's performance of the proposed campaign-related activities you describe for the Committees without compensation would constitute exempt volunteer activity. Thus, these proposed volunteer activities would not result in the making or receipt of a prohibited contribution under the Act.

2. Foreign National Participation in Decision-Making

Commission regulations implementing 2 U.S.C. 441e prohibit foreign nationals from participating in the decisions of any person involving election-related activities. See 11 CFR 110.20(j). Such participation in decisions includes directing, dictating, controlling, or directly or indirectly participating "in the decision-making process of any person, such as a corporation, labor organization, political committee, or political organization with regard to such person's Federal or non-Federal election-related activities, such as decisions concerning the making of contributions, donations, expenditures, or disbursements in connection with elections for any Federal, State, or local office or decisions concerning the administration of a political committee." *Id.* This broad prohibition encompasses foreign national involvement in the management of any political committee, and its decisions regarding its receipts and disbursements in connection with Federal and non-Federal elections. Explanation and Justification for Regulations on Contribution Limitations and Prohibitions, 67 Fed. Reg. 69946 (Nov. 19, 2002). Therefore, Ms. Rios Sosa must not participate in Congressman Weller's decisions regarding his campaign activities. She must also refrain from managing or participating in the decisions of the Committees.

With regard to the four types of activities about which you inquire, the Commission concludes that Ms. Rios Sosa may, as an uncompensated volunteer, take part in these Committee activities as long as she does not participate in the Committees' decision-making processes. First, the Commission concludes that Ms. Rios Sosa may attend Committee events, such as campaign rallies, debates, other public appearances, and fundraisers. Second, as an uncompensated volunteer, she may solicit funds from persons who are not foreign nationals. As an uncompensated volunteer, Ms. Rios Sosa may also give speeches at Committee events. Third, Ms. Rios Sosa may attend meetings with Representative Weller and Committee personnel regarding Committee events or political strategy. She may not, however, be involved in the

management of the Committees.

Finally, Ms. Rios Sosa may accompany Representative Weller and attend fundraising and campaign events of other political committees, provided she does not make a contribution of her personal funds in order to attend. However, her participation in such events is subject to the same limitations detailed above that govern her participation in events of the Committees.

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity.

Sincerely,


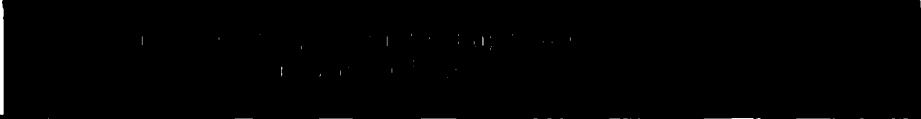
(signed)

Bradley A. Smith
Chairman

Enclosures (AOs 1987-25 and 1981-51)

¹ According to a press release published on Representative Weller's website, he and Ms. Rios Sosa plan to marry after the upcoming November election. See <http://weller.house.gov/News/DocumentSingle.aspx?DocumentID=4510> (visited on July 26, 2004).

² Compare Advisory Opinion 1987-25 with Advisory Opinion 1981-51 (concluding that the Act prohibited an artist who was a foreign national from donating his uncompensated services as an artist to create an original work of art for a political committee's use in fundraising).

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BY Ken Silverstein															
PUBLISHED March 19, 2008															
<p>John McCain is on a world tour, and after flunking Middle East Politics 101 on the Jordan leg of his trip, he's now on his way to London, where his campaign will hold a fundraising event. (For American citizens only as foreigners can't contribute.) Proper attire for the luncheon affair is "lounge wear," according to the <i>Washington Post</i>, which also reported that the event will be held at Spencer House on St. James's Place, "by kind permission" of Lord Rothschild and Nathaniel Rothschild.</p> <p>The latter "may become the richest Rothschild of them all," according to a profile last year in the <i>New York Times</i>. The story said Nathaniel Rothschild was "close to becoming a billionaire through a web of private equity investments" in Eastern Europe, and that he was "a principal adviser to Oleg Deripaska, one</p>															

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of the richest oligarchs in Russia." Indeed, the *Daily Mail* has said that Rothschild's wealth had "been accrued in his role as the adviser to" Deripaska.

Deripaska's name might ring a bell. Back in early 2006, lobbyist Rick Davis, who now serves as McCain's campaign advisor, helped introduce the senator and the oligarch during an international economic conference in Switzerland. McCain didn't do anything for Deripaska after the meeting, but the Russian was grateful for the introduction. Deripaska wrote "a thank-you note to Davis and his partner and offer[ed] to assist them in a subsequent business deal," according to the *Washington Post*.

About eight months after the meeting, the State Department revoked Deripaska's visa to the United States, due to concerns that he may have amassed his wealth illegally. That's embarrassing to the Russian, and he's hoping to reverse his ban on entry to this country, which he blames on "stupid and ignorant bureaucrats." During one interview last fall, Deripaska said, "Maybe I'll get the visa when the next (U.S.) administration comes in." Given his contacts to McCain, through Davis and Rothschild, one can guess whom Deripaska will be rooting for this fall.

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